

REMARKS

Claims 1-3 and 5-16 remain pending in the application, claim 4 being canceled herein.

Allowed Claims 6-15

The Applicants thank the Examiner for the indication that claims 6-15 are **allowed**.

Claim 4 objection

In the Office Action, claim 4 was objected to under 37 C.F.R. 1.75(c) for failing to further limit the previous claim. Claim 4 is canceled herein, making the objection now moot. It is respectfully requested that the objection be withdrawn.

Claims 1-3 and 5 over Admitted Art in view of Boehly

Claims 1-3 and 5 were rejected under 35 USC 103(a) as allegedly being obvious over admitted prior art in view of U.S. Pat. No. 3,742,139 to Boehly (“Boehly”). The Applicants respectfully traverse the rejection.

Claims 1-3 and 5 are amended herein to recite that less than all, but more than one, of the plurality of time slot based data frames including a sync word, wherein at least two adjacent ones of the plurality of time slot based data frames do not include a sync word.

The Examiner agrees that the admitted prior art fails to teach “less than all but more than one, of the plurality of time slot based data frames including a sync word, remaining ones of the plurality of time slot based data frames not including a sync word.” (Office Action at 2-3). To make up for this deficiency, the Examiner cites col. 1, lines 4-35 of Boehly for allegedly teaching the use of a synchronizing signal present in alternate frames. (Office Action at 3).

Claims 1-3 and 5 are amended herein to further recite that at least TWO ADJACENT time slot based data frames do NOT include a sync word. This feature clearly distinguishes over Boehly, which expressly teaches the use

of framing information only in ALTERNATE frames. (See, e.g., Boehly, col. 1, line 7; line 31)

For at least these many reasons, claims 1-3 and 5 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claim 3 in view of Admitted Art, Boehly and Marko

Claim 3 was rejected under 35 USC 103(a) as allegedly being obvious over admitted prior art in view of Boehly, and further in view of U.S. Pat. No. 5,325,405 to Marko et al. ("Marko"). The Applicants respectfully traverse the rejection.

Claim 3 is amended herein to recite that less than all, but more than one, of the plurality of time slot based data frames including a sync word, wherein at least two adjacent ones of the plurality of time slot based data frames do not include a sync word.

As discussed above, the admitted prior art in view of Boehly fails to disclose, teach or suggest that at least two ADJACENT time slot based data frames do not include a sync word, as claimed by claim 3.

To cure this serious deficiency, the Examiner additionally cites Marko in combination with the Applicants' admitted prior art (AAPA) in view of Boehly. In particular, The Examiner appears to allege that Marko teaches in Fig. 1b the use of frame sync information "buried somewhere in the frame." (Office Action at 4)

Nevertheless, neither AAPA, Boehly nor Marko discloses, teaches or suggests the use of ADJACENT time slot based data frames not including a sync word, as claimed by claim 3.

For these reasons alone, claim 3 is patentable. But there is more.

Marko is non-enabling. This was indicated in the Applicants' last Response filed on November 1, 2004, but appears to have been overlooked by the Examiner.

In particular, Marko discloses Fig. 1b as a way that WON'T WORK! (See Marko, col. 2, lines 25-62) For instance, Marko explains that "portions of

the data words would be lost at the beginning of this receive window due to the misalignment of the start of the frame synchronization character . . .” (Marko, col. 2, lines 46-49)(emphasis added) Thus, Marko et al. themselves clearly explain that what is shown in Fig. 1b WILL NOT WORK! A non-working embodiment is certainly a non-enabling embodiment, and thus not properly used as prior art against the present invention.

For these reasons, claim 3 is not patentable. And there is still yet more.

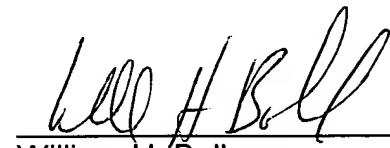
Marko teaches AWAY FROM using what is taught by Fig. 1b, as Marko clearly explains that portions of data words would be lost due to misalignment of the frame sync character. A combination as alleged by the Examiner would combine the AAPA and Boehly with something that is expressly taught away from by the secondary reference Marko. It is respectfully submitted that such a combination, which goes against express teachings in a secondary reference, is an improper combination with respect to the claims of the present invention.

For at least these many reasons, claim 3 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



William H. Bollman
Reg. No. 36,457

MANELLI DENISON & SELTER PLLC

2000 M Street, NW 7TH Floor
Washington, DC 20036-3307
TEL. (202) 261-1020
FAX. (202) 887-0336